stock and securities of controlled corporations, to the Committee on Finance.

By Mrs. COLLINS (for herself and Mrs. SNOWE):
S. 1159. A bill to direct the Secretary of the Army to repair and extend a wave attenuation system to protect fishermen and other boaters and promote the welfare of the town of Lubec, Maine; to the Committee on Environment and Public Works.

By Mr. ROCKEFELLER:
S. 1160. A bill to amend section 1714 of title 38, United States Code, to modify the authority of the Secretary of Veterans Affairs to provide dog-guides to blind veterans and authorize the provision of service dogs to hearing-impaired veterans and veterans with spinal cord injuries, and for other purposes; to the Committee on Veterans’ Affairs.

By Mr. CRAIG (for himself, Mr. MCCONNELL, Mr. COCHRAN, Mr. ENZI, Mr. BURNS, Mr. Frist, and Mr. HUTCHINSON):
S. 1161. A bill to amend the Immigration and Nationality Act to streamline procedures for the admission and extension of stay of nonimmigrant agricultural workers; to provide a stable, legal, agricultural workforce; to extend basic legal protections and provide a stable, legal, agricultural workforce; to extend basic legal protections and provide a stable, legal, agricultural work

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):
S. Res. 124. A resolution congratulating the University of California, its faculty, staff, students, and alumni on the University’s 150th anniversary; considered and agreed to.

By Ms. CANTWELL (for herself and Mrs. MURRAY):
S. Res. 125. A resolution commemorating the Major League Baseball All-Star Game and congratulating the Seattle Mariners; considered and agreed to.

ADDITIONAL COSPONSORS

At the request of Mr. ALLARD, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to strike the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

At the request of Mrs. BOXER, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 367, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

At the request of Mr. LIBERMAN, the name of the Senator from Minnesota (Mr. HARKIN) was added as a cosponsor of S. 411, a bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

At the request of Mr. GRASSLEY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 550, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind.

At the request of Mr. WELLSSTONE, the names of the Senator from New Jersey (Mr. TORRICELLI) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

At the request of Mr. DASCHLE, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 550, a bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas.

At the request of Mr. GRAHAM, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 824, a bill to establish an informatics grant program for hospitals and skilled nursing facilities.

At the request of Mr. BROWNBACK, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Massachusetts (Ms. KENNEDY) were added as cosponsors of S. 824, a bill to establish the National Museum of African American History and Culture within the Smithsonian Institution.

At the request of Mr. DODD, the name of the Senator from California (Ms. FEINSTEIN) was added as a cosponsor of S. 838, a bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children.

At the request of Mr. DAYTON, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 847, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

At the request of Mr. GRASSLEY, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 860, a bill to amend the Internal Revenue Code of 1986 to provide for the
treatment of certain expenses of rural letter carriers.

At the request of Mr. REID, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 866, a bill to amend the Public Health Service Act to provide for a national media campaign to reduce and prevent underage drinking in the United States.

At the request of Mrs. LINCOLN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 896, a bill to amend title XVIII of the Social Security Act to provide adequate coverage for immunosuppressive drugs furnished to beneficiaries under the medicare program that have received an organ transplant, and for other purposes.

At the request of Mr. BAUCUS, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 897, a bill to amend title 39, United States Code, to provide that the procedures relating to the closing or consolidation of a post office be extended to the relocation or construction of a post office, and for other purposes.

At the request of Mr. ENZI, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 904, a bill to amend the Iran and Libya Sanctions Act of 1996 to extend authorities under that Act.

At the request of Mr. BINGAMAN, the name of the Senator from Massachusetts (Mr. DEWINE) was added as a cosponsor of S. 994, a bill to amend the authority to issue to members of the Armed Forces in Korea after the end of the Korean War.

At the request of Ms. SNOWE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1002, a bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities.

At the request of Mr. HAGEL, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 1006, a bill to provide for the energy security of the United States and promote environmental quality by enhancing the use of motor vehicle fuels from renewable sources, and for other purposes.

S. 1021
At the request of Mr. LUGAR, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 1021, a bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2004.

S. 1032
At the request of Mr. FRIST, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1032, a bill to expand assistance to countries seriously affected by HIV/AIDS, malaria, and tuberculosis.

S. 1033
At the request of Ms. STABENOW, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1033, a bill to amend the Federal Water Pollution Control Act to protect 1/5 of the world’s fresh water supply by directing the Administrator of the Environmental Protection Agency to conduct a study on the known and potential environmental effects of oil and gas drilling on land beneath the water in the Great Lakes, and for other purposes.

S. 1125
At the request of Mr. MCCONNELL, the names of the Senators from New Hampshire (Mr. GREGG), the Senator from Hawaii (Mr. INOUYE), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 1125, a bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

S. 1126
At the request of Mr. GRAHAM, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1126, a bill to amend title XVIII of the Social Security Act to provide comprehensive reform of the medicare program, including the provision of coverage of outpatient prescription drugs under such program.

S. RES. 121
At the request of Mr. KERRY, the names of the Senators from Indiana (Mr. LUGAR), the Senator from Oregon (Mr. WYDEN) and the Senator from Missouri (Mrs. CARNAHAN) were added as cosponsors of S. Res. 121, a resolution expressing the sense of the Senate regarding the policy of the United States at the 53rd Annual Meeting of the International Whaling Commission.

S. CON. RES. 11
At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. Con. Res. 11, a concurrent resolution expressing the sense of Congress to fully use the powers of the Federal Government to enhance the science base required to more fully develop the field of health promotion and disease prevention, and to explore how strategies may be developed from integrating lifestyle improvement programs into national policy, our health care system, schools, workplaces, families and communities.

S. CON. RES. 34
At the request of Mr. CAMPBELL, the name of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. Con. Res. 34, a concurrent resolution congratulating the Baltic nations of Estonia, Latvia, and Lithuania on the tenth anniversary of the reestablishment of their full independence.

S. CON. RES. 45
At the request of Mr. SMITH of New Hampshire, his name was added as a cosponsor of S. Con. Res. 45, a concurrent resolution expressing the sense of Congress that the Humane Methods of Slaughter Act of 1958 should be fully enforced so as to prevent needless suffering of animals.

AMENDMENT NO. 862
At the request of Mr. SCHUMER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 862 proposed to S. 1077, an original bill making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 863
At the request of Mr. FEINGOLD, the names of the Senators from Illinois (Mr. DURBIN) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of amendment No. 863 proposed to S. 1077, an original bill making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 865
At the request of Mr. VOINOVICH, the names of the Senators from Colorado (Mr. ALLARD), the Senator from Illinois (Mr. FITZGERALD), and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of amendment No. 865 proposed to S. 1077, an original bill making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 866
At the request of Ms. STABENOW, her name was added as a cosponsor of amendment No. 866.

At the request of Mr. FEINGOLD, his name was added as a cosponsor of amendment No. 866, supra.

At the request of Mr. CONRAD, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of amendment No. 866, supra.

AMENDMENT NO. 869
At the request of Mr. KVLY, his name was added as a cosponsor of amendment No. 869 proposed to S. 1077, an original bill making supplemental appropriations for the fiscal year ending
September 30, 2001, and for other purposes.
At the request of Mrs. Carnahan, her name was added as a cosponsor of amendment No. 869 proposed to S. 1077, supra.

At the request of Mr. Inhofe, his name was added as a cosponsor of amendment No. 869 proposed to S. 1077, supra.

Amendment No. 870
At the request of Mr. Hutchinson, the name of the Senator from Oklahoma (Mr. Nickles) was added as a co-sponsor of amendment No. 870 proposed to S. 1077, an original bill making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes.

Statements on Introduced Bills and Joint Resolutions
By Mr. Breaux:
S. 1158. A bill to amend the Internal Revenue Code of 1986 to modify the active business definition relating to distributions of stock and securities of controlled corporations; to the Committee on Finance.

Mr. Breaux. Mr. President, I rise today to introduce tax legislation which proposes only a small technical modification of current law, but, if enacted, would provide significant simplification of routine corporate reorganizations. The legislation is identical to S. 773 which I introduced on April 13 of last year.

This proposed change is small but very important. It would not alter the substance of current law in any way. It would, however, greatly simplify a common corporate transaction. This small technical change will alone save corporations millions of dollars in unnecessary expenses and economic costs that are incurred when they divide their businesses.

Past Treasury Departments have agreed, and I have no reason to believe the current Treasury Department will feel any differently, that this change would bring welcome simplification to section 355 of the Internal Revenue Code. Indeed, the Clinton Administration in its last budget submission to the Congress had proposed this change. The last scoring of this proposal showed no loss of revenue to the U.S. Government, and I am aware of no opposition to its enactment.

Corporations, and affiliated groups of corporations, often find it advantageous, or even necessary, to separate two or more businesses. The division of AT&T from its local telephone companies is an example of such a transaction. The reasons for these corporate divisions are many, but probably chief among them is the ability of management to focus on one core business.

At the end of the day, when a corporation divides, the stockholders simply have the stock of two corporations, instead of one. The Tax Code recognizes this is not an event that should trigger tax, as it includes corporate divisions among the tax-free reorganization provisions.

One requirement the Tax Code imposes on corporate divisions is very awkwardly drafted, however. As a result, an affiliated group of corporations that wishes to divide must often engage in complex and burdensome preliminary reorganizations in order to accomplish what, for a single corporate entity, would be a rather simple and straightforward spinoff of a business to its shareholders. The small technical change I propose today would eliminate the need for these unnecessary transactions, while keeping the statute true to Congress's original purpose.

More specifically, section 355, and related provision of the Code, permits a corporation or an affiliated group of corporations to divide on a tax-free basis into two or more separate entities with assets. There are numerous requirements for tax-free treatment of a corporate division, or "spinoff." Including continuity of historical shareholder interest, continuity of the business enterprises, business purposes, and absence of any device to distribute earning and profits. In addition, section 355 requires that each of the divided corporate entities be engaged in the active conduct of a trade or business. The proposed change would alter none of these substantive requirements of the Code.

Section 355(b)(2)(A) currently provides an attribution or "look through" rule for groups of corporations that operate active businesses under a holding company. Corporations, which is necessary for holding company, by definition, is not itself engaged in an active business.

This lookthrough rule inexplicably requires, however, that "substantially all" of the assets of the holding company consist of stock of active controlled subsidiaries. The practical effect of this language is to prevent holding companies from engaging in spinoffs if they own almost any other assets. This is in sharp contrast to corporations that operate businesses directly, which can own substantial assets unrelated to the business and still engage in tax-free spinoff transactions.

In the real world, of course, holding companies may, for many sound business reasons, hold other assets, such as non-controlling, less than 80 percent, interests in subsidiaries, controlled subsidiaries that have been owned for less than five years, which are not considered "active businesses" under section 355, or a host of non-business assets. Such holding companies routinely undertake spinoff transactions, but because of the awkward language used in section 355(b)(2)(A), they must first undertake one or more, often a series of, preliminary reorganizations solely for the purpose of complying with this inexplicable language of the Code.

Such preliminary reorganizations are at best costly, burdensome, and without any business purpose, and at worst, they seriously interfere with business operations. In a few cases, they may be so costly as to be prohibitive, and cause the company to abandon an otherwise sound business transaction that is clearly in the best interest of the corporation and the businesses it operates.

There is no tax policy reasons, tax advisors agree, to require the reorganization of a consolidated group that is clearly engaged in the active conduct of a trade or business, as a condition to a spinoff. Nor is there any reason to treat affiliated groups differently than single operating companies. Indeed, no one has ever suggested one. The legislative history indicates Congress was concerned about non-controlled subsidiaries, which were inadequately addressed, no consolidated groups.

For many purposes, the Tax Code treats affiliated groups as a single corporation. Therefore, the simple remedy I am proposing today for the problem created by the awkward language of section 355(b)(2)(A) is to apply the active business test to an affiliated group as if it were a single entity.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. Modification of active business definition.
(a) In General.—Section 355(b)(2) of the Internal Revenue Code of 1986 (defining active conduct of a trade or business) is amended by adding at the end the following: "For purposes of subparagraph (A), all corporations that are members of a consolidated group (as defined in section 1504(a)) shall be treated as a single corporation."

(b) Effective Date.—The amendment made by this section shall apply to distributions or transfers after the date of the enactment of this Act.

By Ms. Collins (for herself and Ms. Snowe):
S. 1159. A bill to direct the Secretary of the Army to repair and expand a wave attenuation system to protect fishermen and other boaters and promote the welfare of the town of Lubec, Maine; to the Committee on Environment and Public Works.
Ms. Collins. Mr. President, I rise today to introduce the Lubec Safe Harbor Act of 2001.

Small communities up and down the coast of Maine literally depend upon the sea for their survival. From the rich fishing grounds that supply Maine's great fishing industry to the beautiful coastlines that draw tourist